

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GREATER ST. LOUIS CONSTRUCTION )  
LABORERS WELFARE FUND, et al., )

Plaintiffs, )

v. )

ALBERN CO., )

Defendant. )

No. 4:09-CV-698 CAS

**ORDER**

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132. Plaintiffs seek an order compelling defendant to submit to a payroll audit and, thereafter, a judgment for contributions and damages owed.

Defendant was served with the summons and complaint on May 13, 2009, and has not filed an answer or otherwise responded to plaintiffs' complaint. Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved this Court for an order compelling defendant to submit to a financial compliance examination so that plaintiffs can determine the amounts allegedly owed.

Plaintiff have established that defendant is bound by a collective bargaining agreement with the Laborers Local Unions 42-53-110. The agreement requires defendant to submit contributions to the Laborers Funds, and authorizes plaintiffs to examine the financial records of defendant to

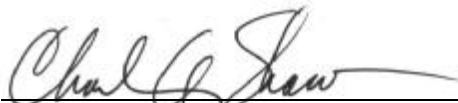
ascertain whether the required contributions were made. The only way in which plaintiffs can determine the amount owed is through such financial examination.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion for default order of accounting is **GRANTED**. [Doc. 4]

**IT IS FURTHER ORDERED** that defendant is ordered to provide plaintiffs, within thirty (30) days of the date of this Order, all its books, ledgers, payroll records, case distribution ledgers, and other documents reflecting or pertaining to all hours worked by and wages paid to defendant's employees since November 1, 2006.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including by not limited to the entry of partial and final judgments, as it deems appropriate.

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 29th day of June, 2009.